

ENERGY AND ENVIRONMENT CABINET

Department for Environmental Protection

Division of Waste Management

(New Administrative Regulation)

401 KAR 102:005. Definitions for 401 KAR Chapter 102.

RELATES TO: KRS 224.1-415, 224.1-400, 224.1-405

STATUTORY AUTHORITY: KRS 224.1-415

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.1-415 authorizes the Brownfield Redevelopment Program and authorizes the cabinet to administer the program. This administrative regulation defines terms used in 401 KAR Chapter 102 Brownfield Redevelopment Program.

Section 1. Definitions.

(1) “Applicant” means the person who owns or intends to acquire property and makes certification to the cabinet in accordance with KRS 224.1-415(2) and 401 KAR Chapter 102.

(2) “Cabinet” is defined by KRS 224.1-010(9).

(3) “Hazardous substance” is defined by KRS 224.1-400(1)(a).

(4) “Person” is defined by KRS 224.1-010(17).

(5) “Petroleum” is defined by KRS 224.60-115(15).

(6) “Petroleum storage tank” is defined by KRS 224.60-115(16).

(7) “Pollutant or contaminant” is defined by KRS 224.1-400(1)(f).

(8) “Property” means real property, the expansion, redevelopment, or reuse of which is complicated due to:

(a) A release of petroleum governed by KRS 224.1-405 or a release of a hazardous substance, or pollutant or contaminant governed by KRS 224.1-400 that occurred prior to acquisition of the property by the applicant; or

(b) A potential presence or perceived presence of a release of a hazardous substance, or pollutant or contaminant or petroleum based on an all appropriate inquiry.

(9) “Property management plan” means the plan submitted to the cabinet in accordance with 401 KAR 102:020.

(10) “Release” means:

(a) For a hazardous substance, or pollutant or contaminant, the definition established by KRS 224.1-400(1)(b); or

(b) For petroleum or petroleum product, any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing from a source other than a petroleum storage tank into the environment including the abandonment or discarding of barrels, containers, and other closed receptacles, but excludes emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, and the normal application of fertilizer.